

Senator Stephens moved to adjourn to 1 o'clock tomorrow.

Senator Pope suggested that it would be better to take a recess and await the organization of the house, and he made a motion

That the Senate take a recess until 12 o'clock m.

Carried.

After recess the senate resumed business.

Senator Stephens called for the reference of his resolution to the committee on printing,

And it was so ordered.

Senator Seale moved to amend Senator Stevens' resolution so as to include other leading papers.

Withdrawn.

Senator Harrison offered the following resolution:

Resolved, That the lieutenant governor be authorized to appoint one general committee clerk in addition to the one provided for by the resolution heretofore adopted, making two general committee clerks in all.

Senator Stephens opposed the resolution

Senator Harrison withdrew the resolution.

Senator Whatley moved to adjourn until tomorrow at 10 o'clock.

The senate adjourned to the hour stated.

THIRD DAY.

SENATE CHAMBER,
AUSTIN, Texas, Jan. 15, 1891. }

Senate met pursuant to adjournment.

President pro tem. Burges in the chair.

Prayer by the chaplain, Dr. Smoot.

Quorum present.

Senator Harrison, of the committee to notify the House of the organization of the Senate, reported that his two colleagues were sick and unable to attend to that duty.

Whereupon the President pro tem. appointed Senators Clark and Sims upon that committee.

On motion of Senator Seale, Senator Ingram was excused on account of illness.

On motion of Senator Glasscock, Senator Garwood was excused for the same cause.

On motion of Senator Glasscock, the

reading of the journal was dispensed with.

Senator Harrison made the following report:

To the Hon. President of the Senate:

Your committee, appointed to inform the Speaker and House of Representatives that the Senate had completed its organization and was now ready for the transaction of business, have discharged that duty.

JOHN H. HARRISON.

JAMES CLARK.

H. T. SIMS.

The president pro tem announced, that as the Senate is fully organized, the regular order of business will now be taken up.

On the call for petitions and memorials Senator Maetze sent to the clerk's desk petition of C. A. Kiecke of Washington county.

Referred to the committee on private land claims.

Representatives Browning of Donley, Gossett and Robinson, committee from the House, appeared at the bar of the Senate and reported that the House is organized and ready for the transaction of business.

The following message was received from the House, through their chief clerk.

HALL OF THE HOUSE OF REPRESENTATIVES,
AUSTIN, TEX., JAN. 15, 1891. }

Hon. W. H. Burges, President of the Senate:

SIR: I am directed by the House to inform the Senate that the House has perfected its organization by the election of the following named officers:

Hon. R. T. Milner, of Rusk, Speaker.

Sam H. Dixon, chief clerk.

Geo. W. Finger, reading clerk.

J. A. Jaynes, assistant reading clerk.

M. D. Burney, journal clerk.

Will Lambert, assistant journal clerk.

A. A. Bell, calendar clerk.

H. D. Fontaine, engrossing clerk.

R. S. Rich, enrolling clerk.

J. S. Boggs, sergeant-at-arms.

A. C. Murray, assistant sergeant-at-arms.

Henry Owsley, doorkeeper.

H. T. Prater, assistant doorkeeper.

Rev. H. W. Dodge, chaplain.

Frank Mullins, postmaster.

SAM H. DIXON,
Chief Clerk of the House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Stephens:

A bill to be entitled "An act to provide for the holding of the terms of the supreme court, commission of appeals and court of appeals, at Austin, Texas."

Referred to Judiciary Committee, No. 1.

By Senator Page:

A bill to be entitled "An act to empower the state board of education to procure for use in the common schools of the state of Texas a series of text books, defining the duties of certain officers therein named, with reference thereto, making appropriations therefor, defining certain felonies and misdemeanors, providing penalties for the violation of the provisions of this act and declaring an emergency."

Referred to the Committee on Education.

By Senator Cranford:

A bill to be entitled "An act to provide for revising, digesting and publishing the laws, civil and criminal, of the state of Texas."

Referred to Judiciary Committee, No. 1.

By Senator Cranford:

A bill to be entitled "An act to amend article 320, chapter 4, title 9, of the penal code of the state of Texas, relating to the carrying of arms in church or other assembly, and to increase the punishment for this offense."

Referred to Judiciary Committee, No. 2.

By Senator Potter:

A bill to provide for the election of a county road commissioner in counties in which a tax has been levied under the amendment to the constitution, and to regulate the manner of laying out and working the roads, and providing who shall work and for a road fund, and for other purposes.

Referred to Committee on Roads and Bridges.

By Senator Potter:

A bill to amend article 183, chapter 2, title 9, revised statutes, adding thereto article 183, providing for garnishment upon debts not due.

Referred to Judiciary Committee, No. 1.

By Senator Potter:

A bill to amend article 182, chapter 1, title 9 of the revised statutes, providing that attached property, and

bonds given therefor, shall not be released until the cause is finally disposed of in the appellate court, if removed thereto.

Referred to Judiciary Committee No. 1.

By Senator Potter:

A bill to provide for the redemption of real estate sold at forced sale, and to set aside sales for inadequacy of price, and for other purposes.

Referred to Judiciary Committee No. 1.

By Senator Potter:

A bill to require the rendition of contract liens upon land for taxation in the county where the land is situated, if the indebtedness be held by non-residents of the state, and to provide for the payment of the same, and to fix a lien upon said land to secure such payment, and for other purposes.

Referred to Committee on Taxation.

By Senator Potter:

A bill prohibiting the making of contracts limiting the time to sue thereon to less than that fixed by law, and providing the character of notice of a claim before suit, and the manner of the giving thereof.

Referred to Judiciary Committee No. 1.

By Senator Clark:

A bill requiring railway companies to provide separate coaches for white and colored passengers.

Referred to Judiciary Committee No. 2.

By Senator Crane:

A bill entitled "An act to amend article 182, chapter 1, title 9 of the revised statutes"

Referred to Judiciary Committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to amend article 2316 of the revised statutes of Texas, and to add thereto articles 2316 A, 2316 B, 2316 C, 2316 E, 2316 F, 2316 G, 2316 H. Providing for the redemption of all real estate sold under execution, order of sale, foreclosure of liens or deeds of trust, within two years from the date of such sale, and to repeal all laws in conflict therewith.

Referred to Judiciary committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to amend article 672, chapter 2, title 23, of the Revised Civil Statutes of the State of Texas, and to add thereto Article

672a, and to provide for validating the location of county sites in certain counties."

Referred to Judiciary committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to amend article 672, chapter 2, title 22, of the revised civil statutes of the state of Texas and to add thereto article 672a, and to provide for validating the location of county seats in certain counties."

Referred to Judiciary committee No. 1.

By Senator Stephens:

A bill prescribing the time for holding courts in the Forty-sixth judicial district.

Referred to committee on Judicial districts.

By senator Stephens:

A bill to be entitled "An act to amend article 758, chapter 8, title 8, of the code of criminal procedure of the state of Texas, providing for taking the depositions of witnesses for the defendant when such witness resides out of the county where the prosecution is pending."

Referred to Judiciary committee No. 2.

By Senator Stephens:

A bill to amend article 1133 of the revised statutes by adding thereto 1133a, prescribing qualifications of county judges.

Referred to Judiciary committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to amend article 4256, of the revised statutes of the state of Texas and to add thereto article 4256a, regulating passenger and sleeping car fare on railroads and to repeal all laws in conflict therewith."

Referred to committee on Internal Improvements.

By Senator Sims:

A bill to be entitled "An act to amend article 969, title 24, of the revised civil statutes."

Referred to Judiciary Committee No. 1.

By Senator Sims:

A bill to be entitled "An act to amend article 2220, chapter 2, title 38, of the revised civil statutes, and to add thereto articles 2220a, 2220b, 2220c and 2220d, relating to depositions."

Referred to Judiciary Committee No. 1.

By Senator Sims:

A bill to be entitled "An act to amend article 278, chapter 1, title 13, of the revised civil statutes, relating to railroads and other common carriers."

By Senator Sims:

A bill to be entitled "An act to amend article 2224, chapter 2, title 38, of the revised statutes."

Referred to Judiciary Committee No. 1.

By Senator Mott:

A bill to be entitled "An act to regulate the employment of children in manufacturing establishments."

Referred to Committee on Commerce and Manufactures.

By Senator Mott:

A bill to be entitled "An act to prohibit the employment or exhibition of children in acrobatic, aquatic and other performances."

Referred to Judiciary Committee No. 2.

By Senator Mott:

A bill to be entitled "An act to relieve railroad companies chartered under the revised statutes of Texas, which have in good faith constructed any part of their roads prior to the first day of January, 1889, from the operation of articles 605 and 4278 of the revised statutes as to the roads so constructed."

Referred to the Committee on Internal Improvements.

By Senator Mott:

A bill to be entitled "An act to cure defects in the acknowledgments and registration of deeds and other instruments required or permitted by law to be registered."

Referred to Judiciary Committee No. 1.

By Senator Pope:

A bill to be entitled "An act requiring railway companies to provide separate coaches for white and colored passengers."

Referred to Committee on Internal Improvements.

By Senator Pope:

A bill to be entitled, "An act for the relief of railway companies having charters made or amended since January 1, 1887, which have failed or are about to fail to comply with article 4278 of Revised Statutes of Texas."

Referred to the Committee on Internal Improvements.

By Senator Pope:

A joint resolution to repeal section 16, article xxi of the constitution of the state of Texas.

Referred to the Committee on Amendments.

By Senator Atlee:

A bill to be entitled, "An act to amend articles 1706 and 1715 of the Revised Statutes of the state of Texas."

Referred to Judiciary Committee No. 1.

By Senator Atlee:

A bill to be entitled, "An act to better preserve the public health and to protect the people of the state against smallpox, by compulsory vaccination, and to provide appropriate penalties for a failure to comply with the provisions of this act."

Referred to the Committee on Public Health.

By Senator Clemens:

A bill to be entitled, "An act to regulate elections and to provide for printing and distributing election ballots at the public expense, and to provide penalties for its violation."

Referred to the Committee on State Affairs.

By Senator Stephens:

A joint resolution requiring the superintendent of public buildings and grounds to dispossess trespassers on lands or lots in the city of Austin belonging to the state of Texas, and to rent or lease the same for the benefit of the public free school fund."

Referred to the Committee on State Affairs.

By Senator Page:

A bill to be entitled, "An act to repeal chapter 103 of the general laws passed by the Twenty-first Legislature at its regular session entitled "An act to provide for the inspection of refined oils which are the product of petroleum and which may be used for illuminating purposes within this state, and to regulate the sale and use thereof and to provide penalties for violation of same" and approved April 5, 1889."

Referred to Committee on State Affairs.

By Senator Tyler:

A bill to be entitled "An act to amend article 3014, chapter 1, title 57, of the

revised civil statutes of the state of Texas, relating to the exemption of firemen from jury duty.

Referred to Judiciary Committee No. 1.

By Senator Tyler:

A bill to be entitled an act to fix the burden of proof in actions for damages to persons or property on account of injuries inflicted by barb-wire fences outside the limits of any city or town.

Referred to Judiciary Committee No. 1.

By Senator Cranford:

A bill to be entitled an act making appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employees of the Twenty-second Legislature.

Referred to the Committee on Finance.

By Senator Cranford.

A bill to be entitled an act making an appropriation to defray the contingent expenses of the Twenty second Legislature.

Referred to the Committee on Contingent Expenses.

By Senator Frank:

A bill to be entitled an act to amend article 2257 of the revised civil statutes of the state of Texas and to add thereto article 2257 a.

Referred to Judiciary Committee No. 1.

By Senator Lubbock:

A bill to be entitled an act to regulate actions for libel.

Referred to Judiciary Committee No. 1.

By Senator Cranford:

A bill to be entitled "An act to prevent judgments in any court of record in this state from becoming dormant where execution issues within twelve months from the rendition thereof."

Referred to Judiciary Committee No. 1.

By Senator Pope:

A bill to be entitled "An act to prevent unlawful agreements and contracts in restraint of trade, and to provide punishment therefor."

Referred to Committee on Commerce and Manufactures.

By Senator Kearby:

A bill to regulate telegraph companies in this state, requiring them to receive, date and number the same, and to promptly transmit and deliver the same, and providing remedies for

the violation of the provisions of this act and how service may be had in said suit, and what shall be prima facie evidence of negligence.

Referred to the Committee on Internal Improvements.

By Senator Kearby:

A bill to prohibit prize fighting and to prohibit any person from acting as second or referee, or to knowingly aid or assist those thus offending, and to provide penalties therefor.

Referred to Judiciary Committee No. 2.

By Senator Crane:

A bill entitled "An act to amend articles 1277 and 1278, title 29, chapter 10, of the revised statutes."

Referred to Judiciary Committee No. 2.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, Jan. 15, 1891. }

Hon. W. H. Burges, President Pro Tem. of the Senate:

SIR: I am directed by the House to inform the Senate that the following gentlemen, to-wit: Messrs. Rudd, Selman and Jester, have been appointed as a committee upon the part of the House to act with a like committee upon the part of the Senate to arrange for counting the votes for governor and lieutenant governor and the inauguration of said officers.

SAM H. DIXON,
Chief Clerk of the House of Representatives.

Senator Page offered the following resolution, which was referred to the Committee on Rules.

Resolved, That the President of the Senate be, and is hereby authorized and empowered to appoint a regular standing committee to be known as Committee on Mining, Geology and Irrigation, to which all bills relating to those subjects shall be referred.

The following concurrent resolution was received from the House, and, on motion of Senator Tyler, it was concurred in:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
AUSTIN, Texas, Jan. 15, 1891. }

To Hon. W. H. Burges, President of Senate:

SIR:—I am instructed to inform your honorable body of the adoption of the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring.

Section 1. That the Governor be and he is hereby requested to communicate with the superintendent of the United States census for the year 1890, and secure at the earliest moment the statistics of the population of Texas by counties, for the use of this Legislature.

SAM H. DIXON,
Chief Clerk.

Senator Stephens offered the following resolution:

Resolved, That the president pro tem. of the Senate shall appoint a committee of three Senators, to act in conjunction with a like committee on the part of the House of Representatives, in making arrangements for counting the votes for Governor and Lieutenant Governor, and for the inauguration of said officers.

Which was adopted and the president pro tem. appointed Senators Mott, Johnson and Cranford as such committee on the part of the Senate.

The following message was received from the Governor, which was read by the secretary:

THE CAPITOL,
January 13, 1891. }

Gentlemen of the Senate and House of Representatives:—The constitution of the State requires the executive, at the close of his term of office, to give the legislature information, by message, of the condition of the State; also to recommend such measures as he may deem expedient, and account for all public moneys received and paid out by him from any funds subject to his order. The obvious purpose of this constitutional requirement is to demand of the incumbent a full account of all his acts as governor, and to secure such suggestions for the public interests as his wisdom and experience may enable him to impart, leaving to succeeding administrations the inauguration of new policies, and the improvement of existing ones. In compliance with this constitutional obligation it is a matter of special gratification to me that I am permitted to welcome you to the discharge of your exalted duties. You have assembled at a period of general content and happiness, and are fortunate in meeting at such a time, in representing such constituencies and in legislating for such a State. The past four years have

been active and busy ones. An impulse has been given to the energies of the State and its progress has ceased to be silent and unseen. The people have greatly accelerated their industrial development and all the affairs of the citizens have felt an added stimulus. Prosperity has paid unusual tribute to every trade, business and profession, opening new doors of employment, advancement and emolument. Labor has created capital, and capital has given labor a broader field to work in. Manufacturing enterprises are profitable, and others are being inaugurated. Geological researches have developed immense stores of hidden wealth, and large investments are being made in various mines and their output increased in quantity and quality. The railway business, in mileage, freight and passenger traffic and betterments, exhibits marked improvement. Her land policy has been in a great measure removed from the commotion of state politics and stability, permanency and practical utility imparted to the system. Its extremely liberal provisions have attracted a vast tide of immigration, populating and organizing counties and swelling the taxable values of the state over \$101,000,000 in the last two years, and at the same time augmenting the permanent school fund \$400,250 - 000, and its annual available revenues from the result of sale and lease alone \$550,000. The fiscal affairs of the educational department have been put upon a cash paying basis by the liquidation of over \$500,000 of deficiency claims due the teachers of the public schools, and there is a cash balance of \$275,271 in the treasury to the credit of the permanent school fund awaiting investment. The scholastic term has been increased and uniform method established. Public order has been maintained and crime reduced over forty per cent., as shown by the report of the county officials. The penal and charitable institutions for the care and treatment of the erring, the dependent and the sick in body and mind, and all the educational institutions, have been greatly enlarged and many new ones established. The Capitol in which you hold your deliberation has been provided with all the facilities to enable you in comfort to discharge your duties to the public, and afford ample accommodations for the various departments with their increasing business and accumulating archives. The penitentiary system, with its immense business, has been made self-supporting and no longer remains a burden upon honest tax payers. The university and its former branches, and the medical school that is added, have received in

loans and extraordinary appropriations from general revenue \$237,900.00 greatly increasing the efficiency of all their departments. Outstanding warrants due officials of the judiciary were fully paid. The indemnity claim against the United States government of long standing has been adjusted, resulting in the collection of \$1,072,214.00, and the tax rate reduced below any limit known since the war. Every public claim upon the treasury has been met, and it holds a cash balance of \$772,889.56 to the credit of the general revenue account. This condition of public affairs, while a source of pride and gratification to me personally and officially, is due in a large measure to the wisdom and statesmanship of your predecessors and the officials throughout the state. When I had the honor to assume the duties of chief executive, a serious drouth had affected a large portion of our people, necessitating an extraordinary appropriation of \$100,000.00 out of the treasury for their relief, and this was followed by the varied and multiplied necessities of our public institutions to which your attention has been directed. These extraordinary expenditures have been made upon a rate of taxation reduced during the present administration from 25 cents to 20 cents, and for one year (1888) to 10 cents on the \$100, which accrued to the direct benefit of all the taxpayers, as shown by the following tabulated statement:

Assessed values, 1888.....	\$681,084.904 00
Tax on same at 25 cents....	1,702,712 26
Tax on same at 10 cents....	681,084 90
Difference saved to taxpayers.....	\$1,021,627 36
Assessed values, 1889.....	\$729,175,564 00
Tax on same at 25 cents....	1,822,938 91
Tax on same at 20 cents....	1,458,351 12
Difference saved to taxpayers.....	\$364,587 79
Assessed values, 1890.....	\$782,121,883 00
Tax on same at 25 cents....	1,955,304 70
Tax on same at 20 cents....	1,564,243 76
Difference saved to taxpayers.....	\$391,060 94
Total saved, gross.....	\$1,777,276 09
Less delinquent and insolvent amounts refunded, errors in assessments, etc.....	\$25,225 00
Net saved to taxpayers.....	\$1,752,051 09

The above amount, less cost of assessing, would have come into the treasury, but tax payers would have been compelled to pay the entire sum but for the reduction of tax rate.

The following table will fully exhibit the extraordinary receipts and expenditures chargeable to my administration, independent of the ordinary current receipts

and expenditures necessary to the operation of the State government

Cash balance in treasury January 20, 1887.....	\$ 479,704 00
Received from general government	927,177 00
Received from general government.....	145,037 00
Total cash.....	\$1,551,918 00
Deficiencies January 20, 1887, judiciary, etc.....	295,775 00
School warrants unpaid (deficiency).....	504,000 00
Total deficiency.....	\$799,775 00
Extraordinary appropriations Twentieth legislature.....	\$ 707,400 00
Special session Twentieth legislature.....	1,241,735 00
Extraordinary appropriations Twenty-first legislature.....	848,106 00

Total extra-ordinary appropriations...\$2,797,291 00

The Twentieth legislature remedies some radical defects in our tax laws relating to the collection and more prompt remission by collectors, and the wisdom of the remedies are manifested by close collections and a total absence of default in officers, and it is believed that the present law governing assessments of property for purposes of taxation would, if strictly complied with, tend to equalize the burden of taxation and make a more favorable showing as to the resources of the State. The great injustice is in a want of uniformity, and while the time will probably never come when the inequalities in the matter of raising and collecting the public revenues will be entirely done away with, yet if the public burden was made to rest with equal weight upon all men with respect to the valuation of property, it would reduce the taxes on the homes and property of those of limited means fully 40 per cent. Taxation is simply the price of protection, and to illustrate the matter more clearly you will find that the merchandise of the state is paying insurance companies for protection against loss from fire on valuation nearly double that rendered for purpose of taxation, and this species of property is not exempted to a greater extent than others.

In my message to the twentieth legislature amendments to the tax laws are suggested which would probably greatly increase the revenues from property escaping taxation, and to that extent lighten the burden of willing tax payers. The reports of the comptroller and treasurer will be found to contain able and exhaustive presentations of the receipts and disbursements of the several funds and the cost of maintaining the state government, and exhibit the finances of the state in a satisfactory condition, notwithstanding the large extraordinary appropriations made against the general revenue, in addition to the current expenses of the state government in all its departments. The receipts from all sources for

the year ending September 1 1890, were \$2,685,171.61, and the disbursements for the same period amounted to \$1,908,727.43, leaving a cash balance in the treasury of \$618,622.66, from which \$56,148 00 has since been transferred to the available school fund, leaving the revenue balance August 31, \$562 474.66, and on January 1, 1891, it is shown to be \$772,889.56, from which there should be deducted deficiencies in pensions, quarantine, attached witnesses, etc., amounting to \$106 436.42. The comptroller estimates the receipts for the next two years at \$4,926,622 66, and disbursements for all purposes \$4,205,593.02, leaving balance on hand August 31st, 1892, \$721,039 4.

This is evidently a very cautious and conservative estimate, and in all probability it will be very much larger unless the legislature reduces the tax rate or is extremely liberal in making extraordinary appropriations. The comptroller adds that "To the casual observer it may seem unnecessary, if not unwise, to carry so large a cash balance, and it would indicate that the present rate of taxation for general revenue purposes might stand a reduction, but great care should be exercised in this matter. The state treasury should at all times carry a sufficient cash balance to tide over any emergency that might arise. Demands for extraordinary expenditures will no doubt be considered by the legislature which are not included in the estimates for appropriations in this report for the next two years."

BONDED DEBT OF THE STATE.

In the report from the comptroller's department it is shown that the twenty first legislature, by act approved April 5th, 1889, general laws, page 82, provided for the issuance of 5 per cent state bonds and their sale to the special funds to redeem the \$201,000.00 of 7 per cent. frontier defense bonds in the hands of individuals issued under act of August 5, 1870, to run forty years, but redeemable at the pleasure of the state after twenty years. By selling said bonds and issuing others of a lower rate of interest the state saves \$4,020.00 annually, a gain of \$30,400.00 at the time the bonds fall due.

The called session of the Twentieth legislature, by act of May 9, pages 7 and 8 general laws of 1888, set aside \$250,000 out of revenue to redeem such bonds as would fall due in 1890 and 1891, that were held by individuals. The comptroller was authorized to place \$250,000 to the credit of the available school fund, and it was made his duty to see that it was returned to the sinking fund prior to the maturity of the bonds. This has not been done, for the reason that no State bonds in the hands of individuals mature until

March and April, 1892, viz: \$41,700 6 per cent funding bonds issued under the act of May 2, 1871, fall due March 1, 1892, and \$207,000 7 per cent deficiency bonds issued act of December 2, 1871, fall due April 1, 1892, making \$283,700 bonds in the hands of individuals to be provided for in 1892.

If the act of 1888 was to redeem these bonds, it should be so amended as to authorize the comptroller and board of education to set aside out of the available school fund an amount sufficient to pay these bonds at maturity. There are now held by the special funds \$483,500 State bonds; of this amount \$200,000, 6 per cent bonds issued under act of February 13, 1885, have been due since January 1, 1890; \$23,500, 6 per cent State bonds issued under act of May 2, 1871, mature March 1, 1892, and \$260,000, 7 per cent bonds issued under act of December 2, 1871, mature April 1.

From the foregoing it will be seen that the Twenty-second legislature will have to provide for the payment of \$732,200 State bonds; of this amount individuals hold \$248,700 and the special funds of the State \$483,500. As there is now \$275,271.38 belonging to the permanent school fund in the treasury awaiting investment and his amount will probably continue to increase, I recommend that manuscript bonds to the amount of \$732,200 be issued and sold as an investment to the permanent school fund, and the proceeds be used as follows: \$248,700 to take up and retire the bonds in the hands of individuals, maturing in 1892, and \$483,500 to substitute the bonds now held by the special funds. There could be no good purpose subserved by retiring these bonds, and deprive the special funds of the interest accruing as an available fund, only to be made up by direct taxation. And I further recommend that so much of the act of May 9, 1888, which makes it the duty of the comptroller to return to the sinking fund the \$250,000 set aside by this act for the redemption of the above \$248,700 bonds, and temporarily placed to the credit of the available school fund be repealed, and that this sum be permitted to remain to the credit of this fund.

EDUCATION.

It is encouraging to the friends of popular education that our system of public schools is daily growing more in public favor. Like all other outgrowths from popular sentiment, it cannot be expected to be perfect, but must improve as its good results are seen and felt. Its practical operation in our state shows defects and suggests improvement. For purposes of practical, as well as liberal education, our

own schools should have for Texans no superiors. Those under denominational supervision and support are doing a great work and should receive not only unqualified, but very generous praise for their endeavors. There can be no possible advantage to our young people in sending them to schools in other states, where they acquire tastes, habits and modes of thought foreign to their own people, and forfeit the social, business and political advantages resulting from that reciprocal friendship existing for all time, among those claiming the same alma mater. While nothing is intended to be construed into disparagement of the schools of other states, their supposed superiority to our own gains much in the estimation of those who patronize them from the distance at which they are viewed, and when the people of Texas send their children so far from home to be entrusted to the care of strangers, they incur hazardous risks. So far as the state's interest in the matter goes, it cannot suffer the hundreds of poor boys and girls in its midst, endowed with genius and thirsting for knowledge, to grow up in ignorance because they are too poor to go abroad, even though it were desirable they should do so. A critical analysis of the able and exhaustive report of the Hon. O. H. Cooper, supplemented by the efficient labors of Superintendent Carr Pritchett, his successor in office, discloses the fact that provision is needed in Texas for over 500,000 children within the scholastic age, and adequate schooling for this number in other states costs \$5,000,000 per annum, and he thinks it cannot be secured for less in Texas. The available fund to meet this demand is represented as \$2,500,000, or just half enough. The balance requisite must come from an increase in the state or county fund, from district taxation or from two or more of these sources. The income on the available school fund does not keep pace with the increase of the scholastic population, and as a result of the efficient land laws the permanent fund is rapidly crowding the treasury, and despite the investment of \$754,423.64 in county bonds, there is now \$275,271.38 lying there idle awaiting legislative action to devise some more speedy channel of investment. The income on the bonds now held by the school fund is relatively decreasing by being funded at maturity into bonds bearing a lower rate of interest. The present state school tax is 12½ cents on the \$100, within 7½ cents of the maximum constitutional limit. An increase to this extent would give an additional \$500,000, or about one-fifth of the sum needed, increasing the school term hardly two-thirds of a month, from all of which

Prof. Cooper reaches the conclusion that with the further help of the county available fund amounting to \$300,000, the annual available fund necessary to give a six months term after exhausting every conceivable source of revenue, inclusive of the 7½ cents increase in the state school tax, will fall short of the requisite amount about \$1,700,000, and he advises the speedy collection of defaulting interest, which is being done through the efforts of the commissioner of the land office. And last of all, and more important in his judgment, a resort to local taxation, as the chief reliance to make up the deficit. While it may be conceded that this is a correct estimate of the situation from his standpoint of observation, it occurs to me, that before your honorable body subjects the people to this great increase in taxes under the plea of constrained obedience to the mandates of the constitution, you should first determine from a thorough investigation, whether the vast sum of money already collected is being made available by being fairly and wisely expended, and whether or not the people are availing themselves of the advantages already provided, rather than hoarding it in county treasuries, and in some instances, in time past, using it in speculative ventures. Article 7, section 5 of the constitution requires that the available fund shall be apportioned according to the scholastic population, and "shall be plied annually to the support of the public free schools" and it is by virtue of this section that the fund is apportioned each year. At the very inception of the labors of the present board of education, they found that while teachers of the public schools were selling their warrants, received in payment of services rendered, at a ruinous discount, there was more than a half million of dollars of public school money held in the various counties as unexpended balances, and even the people of those counties were receiving no benefit from those hoarded balances, but were each year paying their 12½ cents school tax on the \$100 of property just the same as others in counties not so well situated and while the board were of the opinion that the spirit of the constitution, if not its letter, in denominating this money as an available fund to be annually applied for the purpose designated, required that these agents of the State should disburse it within the time prescribed they were powerless to enforce their views, as they had no jurisdiction over its expenditure in this respect. From a careful inspection of the report of the superintendent it will be observed that the scholastic population for 1889 90 was..... 545,616

School fund apportioned... .. \$2,182,464
Enrollment..... 390,000
Average daily attendance..... 247,030

Per capita on enumeration, \$4.

Per capita on attendance, \$3.83.

This exhibits a disparity between the scholastic population of the State as given by the census, and the actual enrollment of 155,616, and a difference of 142,970 between the average daily attendance and the enrollment, or a difference of 298,586 as between the scholastic population of the State and the average daily attendance upon the public schools. When the legislature considers this phase of the subject it will doubtless entertain grave doubts about the reliability of the present method of taking the scholastic census, or make proper inquiry for the reason of so much absenteeism.

I also call your attention to the fact that 184 county and 76 independent school districts out of 210 county and 118 independent school districts report balances of the public school funds on hand on the 31st day of August, 1890, aggregating \$364,604.09, and selecting, at random, twenty counties, ten working under the community system and ten under the district system, you have a showing of the average school term and the unexpended balances in each:

COMMUNITY.

County.	Balance.	School term, months.
Angelina.....	\$ 1,569 89	4
Concho.....	25	5
Erath.....	1,277 81	4
Franklin.....	654 59	3.76
Hays.....	1,605 65	4.32
Liberty.....	994 56	3.57
Limestone.....	1,847 50	4.40
Orange.....	551 93	3.50
Refugio.....	658 08	6.97
Shelby.....	2,792 26	3.83
Total.....	\$11,952 52	43.35

DISTRICT.

County.	Balance.	School term, months.
Archer.....	\$ 124 32	5.05
Bel.....	1,986 37	4.11
Brazos.....	205 51	4.50
Caldwell.....	2,279 69	4.50
Dallas.....	3,295 31	4.29
Montague.....	649 95	4.00
Comal.....	286 94	8.60
San Saba.....	635 09	4.50
Val Verde.....	1,668 72	5.15
Walker.....	1,227 05	4.50
Total.....	\$12,358 95	49.20

From this summary it is made known that more than one half of the counties and independent districts are not using the money already supplied, and in my judgment such legislation should be had as will compel its more rapid disbursement for the use and efficiency of our schools. The assertion of the right to tax

one man to educate the child of another can be sustained by sound reasoning. But the only justification for the levying of a tax is the public need or the public good, and the tax should be sufficient to meet such need, and no more, and the government owes to its citizens that this public burden shall not be unnecessarily added to, and that it shall rest with equal weight upon all men with respect to the valuation of property for purposes of taxation. Articles 8 and 3 and sections 1 and 48.

The apportionment made by the board of education for the support of the public free schools is based upon estimates derived from the 12½ cent school tax, one fourth of all the occupation taxes and \$1 poll tax, which are collected mainly in December and January. And estimated receipts from county bonds payable in April, State bonds mainly in January and July; railroad bonds, May and November; land sales received at the state treasury, mainly in July and August, and the receipts from lease of lands are distributed through the year. With these uncertain and variable factors confronting them, the board of education, actuated by the desire to make every dollar available and avoid an idle balance, and at the same time to keep the schools upon a cash paying basis, find their duties both difficult and responsible. The per capita apportionment of \$4.00 for 1889 resulted in a balance on hand September 1, 1889, of \$54,242.35, and the board felt warranted from improvement in all sources of revenue to raise the last apportionment to \$4.50 per capita, and the comptroller's report shows a balance on hand September 1, 1890, of \$40,266.76, to which should be added \$56,148, shown by his report to have been transferred from general revenue to available school fund aggregating a balance of \$96,414.76. From this increased balance over the same date last year, with the probable collections from defaulting interest and the general prosperous condition of affairs, while it would require the gift of prescience to be certain, it is confidently believed the cash paying policy established by the board of education, will be maintained to the end of their responsibility. Should such not be the case, censure must be visited upon them and not their successors.

One of the greatest burdens resting upon the people of the state who desire to educate their children is the amount required to purchase books. At the present exorbitant prices, no better service can be rendered by this legislature than to devise some plan by which the price of these books can be brought within a reasonable limit. I find that in other states, and probably in this, a fair estimate of the

average annual cost to each pupil in the public school for books is \$3, which on an estimate of present enrollment—390,000 for 1890—would show an expenditure of \$1,170,000 each year for books.

Two plans are resorted to in other states to protect the people against this extortion. The first is publication by the state, and in regard to this method Gov. Waterman of California says: "It has been demonstrated that the state not only can publish her own books, but that the school books in the matter of printing and binding are better than any private edition, and that the educational system of the state is benefitted by having a uniform and stable system of text books. While the people are benefitted by having the books furnished at cost prices, and being freed from the great drain the yearly purchase and almost yearly change of school books had heretofore imposed upon them," and he adds that his "state was unfortunate at the inception of the reform, on account of the printing offices being subject to gross mismanagement, but the fault was quickly remedied." Our own state has made considerable efforts in this direction by printing her laws and public documents. The copy of the laws enacted by the last legislature cost the state about 11 cents for each pamphlet, and the additional cost of compilation, improved binding, etc., would not equal one half of the price exacted for school books containing the same amount of printed matter. Under the former system the supreme court reports cost the state \$4.58 per copy, while the same work, in no respect inferior, including electrotyping, boxes for storing plates for shipping, and for salary of reporter, is published by the state and sold for \$2.00 per copy. The second method adopted by other states, whereby purchases are made by the state or school districts for the free use of the pupils, forcibly illustrates the extortionate rates exacted of private individuals. By this plan the cost of books for each pupil in Michigan, which was formerly \$2.25, is now estimated at 50 cents per annum. In Maine 26½ cents, Vermont about 23 cents, and in Wisconsin not one-third of former cost. In this connection an official of high standing and competency states that taking a high average under the above system which he claims would be 40 cents per pupil per annum, the entire cost to the people of Indiana for the year 1888 would only have been \$163,510, against the cost under the existing system similar to ours of \$1,226,325, representing an actual loss of \$1,062,815, or \$2.60 per pupil. If it had cost on an average of \$1.00 for each pupil, it would have left a gain to the

parents of \$817,550 overpaid by them and more than the tax that would have been required to purchase the books and make them free. The good of the people demands of each legislature, when there is just cause for complaint, that they shall without delay inquire into the nature and extent of the evil, and thoughtfully and wisely apply the best and most practicable means of removing or lessening it.

STATE UNIVERSITY.

The reports of the various departments of the university, which have been furnished from the proper sources, show the condition and management of its affairs. It has been the earnest effort of the board of regents to place it in the first rank of the educational institutions of the country, and to so strengthen and maintain it with the means at their disposal, that the youth of Texas, male and female, might enjoy the advantages of education equal to those of any other state. Its excellent corps of professors are men of the highest attainments, who have distinguished themselves in their particular lines of study, and the influence of the university is being felt for good in our state by the character and proficiency of the young men annually leaving its halls. The attendance has increased and the structures for which the legislature made provision have been completed in a substantial manner, and Major Brackenridge, a worthy citizen of San Antonio, recently added to its endowment by the erection of an elegant club house, costing \$18,000, and I desire in this public way to give expression of my high appreciation of the generous act. To insure the success of this university it must have an adequate permanent endowment fund, that will give a certainty and uniformity of income upon which its regents can always rely and relieve the legislature of the contests which usually attend the passage of laws making appropriations. The recommendations made for the increase of funds from every source should have that careful consideration which their importance deserve. Reports of the regents and chairman of the faculty, and the commissioner of the land office, will advise you as to its needs in the way of appropriations and the disposition made of its land interests. On the 20th day of March, 1881, an act was passed by the legislature authorizing the employment of counsel and the institution of suits against persons claiming certain portions of the university lands in McLennan and Hill counties, for the recovery of such lands. These lands so claimed adversely to the state amounted to about 14,000 acres, and were claimed by the assignees of Joachin Marena under

an alleged grant of eleven leagues made to him by the government of Coahuila and Texas, anterior to the independence of Texas, but not recorded in McLennan county until about the year 1871. In accordance with authority conferred by this statute, one of my predecessors, Governor Roberts, employed the law firm of Clark & Dyer of Waco, as attorneys for the state, who brought actions in the district court of McLennan county against certain occupants of the disputed lands, and among them a certain action entitled: "The State of Texas vs Jenny Lewis." After I had entered upon the duties of my present office, I requested of said attorneys information as to the status of said litigation. They reported that "After institution of said actions, Martinez Del Rio and his brother, natives of Mexico, but claiming to be subjects of Great Britain, had entered their appearance in said suits as landlords of defendants, and had filed petition and bond for removal to the United States circuit court at Waco; that the district judge, after argument, had refused to enter an order approving the bond or removing the case, and that thereupon the real defendants, the Messrs. Rios, through their attorneys, had filed a transcript of the proceedings in the circuit court of the United States at Waco, and that court, after three attempts on the part of the state to remand the cause to the state court, had refused to remand and retained jurisdiction." Said attorneys further reported that, "in their opinion the United States court had no jurisdiction of the case by law, but before the erroneous rulings of the circuit and district judges, could be corrected, the cause would have to be tried finally, and a writ of error prosecuted by the state to the supreme court of the United States, which would involve several years, as the case was not one under the rules of the supreme court, likely to be advanced for early hearing on motion." Upon the merits of the case said attorney further reported that, "Upon the law and the evidence taken and on file, they were of the opinion that the defendants had the superior title under our own decisions, and that their title would probably finally prevail even upon a trial in the state court." In the latter part of 1888 said attorneys further reported that, "said suit could be compromised by a division of the lands in dispute, if such compromise was desirable." As the matter involved the property and revenues of the university, the proposition was submitted informally by me to the regents and with their advice and consent the matter was compromised, vesting the title by appropriate decree in the state to 6,750 acres of

this land I confidently commit this great state institution to your fostering care and protection and invoke for it generous aid.

AGRICULTURAL AND MECHANICAL COLLEGE.

This college owes its origin to an act of congress dated July 2, 1862, donating for its benefit 180,000 acres of public land. By joint resolution, approved November 1, 1871, the legislature of Texas formally accepted the provisions of the congressional act and sold the land for \$174,000, which was invested in Texas 7 per cent frontier bonds, and then passed an act to provide for its establishment, approved April 17, 1871, making necessary appropriations for buildings and equipments for putting the institution in operation. The constitution of 1876, article VII, section 13, made and constituted it a branch of the university, and provided that taxes may be raised for its maintenance and support. The college was formally opened for the reception of students October 4, 1876, and Jefferson Davis, the ex-president of the Confederacy, was elected its first president, but business interests in Mississippi, from which he could not divest himself, prevented his acceptance. Since its organization it has maintained a steadily increasing standing and influence by demonstrating the worth of practical education in the useful arts. The special inducements it offers to students in its comparative freedom from those allurements to evil and waste of opportunity so prevalent in city life, its superior advantages in teachers of a high order of scholarship for imparting knowledge in agricultural, mechanical, military and other branches of scientific instruction have invested it with many attractions to those seeking thorough training for the important mechanical positions in our state, to supply which, in the past, we have been compelled to look beyond our borders, and it is growing into public favor and patronage so rapidly that many young men were refused admittance since the opening of the present session on account of inadequate accommodation, and compelled to go abroad in search of advantages denied them in this branch of education in their own state. And regardless of public notice given that there could be no further accessions to its population, applications continue of daily occurrence from young men who cannot leave the state, which presents an imperative demand for more room and the greater enlargement of the sphere of its usefulness now rests entirely in your hands. In all matters relating to our educational interests the state should bestow with a liberal hand, and since

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farming is beyond question, the leading and most important industry of our state, prosperity to it bringing prosperity to all, this college so vitally affecting the concerns of this important part of our population should be properly equipped in every essential detail for doing the best possible work for those committed to its care, so that it may be an institution in which Texas can not only take a just pride but one that can be safely and properly copied by other states. The annual appropriation by Congress of \$15,000, to be applied in the establishment and support of an experimental station in connection with the college work, is of special interest to the farming community, and the valuable experimental tests being made commend it to the careful attention of the practical agriculturalist. By an act of congress, approved August 30, 1890, an annual appropriation of \$15,000 was made for the more complete endowment of these colleges for the benefit of agriculture, etc., and after 1890 this appropriation is to be increased for ten years by an additional sum of \$1,000 over the preceding year, and thereafter it amounts to \$25,000 annually. No portion of said fund, nor the interest thereon, can be applied directly or indirectly under any pretense whatever to the purchase, erection, preservation, or repair of any building or buildings; and no state can avail itself of this appropriation that does not maintain an institution of like character for the colored race from its own revenue.

In response to inquiries made by the secretary of the interior at Washington, Prairie View normal school, with its agricultural and mechanical feature established by the twentieth legislature, was presented and recognized as a compliance with this provision of the act of congress; but when I applied for the first installment of \$15,000.00 then due, I was notified that the secretary of the interior department refused to draw his draft for the same, because the act provided that "The legislature of such state may propose and report to the secretary of the interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students, established as aforesaid, which shall be divided into two parts and paid accordingly." The effect of this ruling which required a legislative apportionment, would have been a clear loss of \$15,000.00 to the state, the first payment, lapsing back into the treasury before your honorable body could meet. In view of this fact I addressed a letter to the honorable secretary embodying a full history of what Texas had done for

the colored race, and requested him to reverse his ruling. The letter was presented by the Hon. J. D. Sayers with urgency, whereupon Secretary Noble agreed to accept such a division of the first installment of \$15,000.00 between the white and colored interests as I should make, but would require your honorable body to make this division and designate to whom it should be paid before any further interest in the fund would be paid by the department, and I therefore call your attention to this duty devolving upon you. I gave one third to Prairie View and two thirds to the Agricultural and Mechanical college at Bryan, and I call your attention to the report of the directors, which will give you a full understanding of the condition of the college, and urge a careful investigation of its needs, knowing that if it should appear that the best interests of the state and the college demands such improvement it would require no special urgency from any source to secure the requisite appropriation.

HUNTSVILLE NORMAL.

The value and success of the public schools depend mainly on the competency of the teachers, and that system is fatally defective which fails to provide for efficient normal schools. I have a firm conviction that there is no other agency at our command so potent for the advancement of the cause of general education.

Teaching is a science, and those who desire to teach successfully must embrace the advantages of modern progress. The school of this character at Huntsville is established for the special education of teachers in the theory and practice of their calling, and its diploma should be accepted as a sure guarantee of a high standard of qualification. They report an attendance of 300 young men and women who expect to devote themselves exclusively to the profession. Dr. Baldwin, its principal, as a practical teacher possesses great enthusiasm and a happy intuition for the work, with unusual ability to correlate practice with theory, and an intense interest in the intellectual development of those subject to his wise discipline. I think the legislature should deal as liberally with this institution as the means at its command, and a proper regard for other obligations will permit.

PRAIRIE VIEW COLORED NORMAL.

This institution is doing excellent work for the colored race, and deserves liberal encouragement at your hands. While it will not probably be practicable to grant all its requests in the way of improve-

ments and repairs, as set forth in the report of the principal, some of them are very urgent and cannot well be deferred. These people were the innocent cause of much of the trouble and bloodshed brought upon our country, and were suddenly emancipated from generations of servitude and enfranchised with rights which no other people ever attained except by long years of experience. This necessarily made them most ductile material for the manipulation of white adventurers, ignorant of their disposition and inimical to the interests of the resident whites, and unfortunately for them the people of the North have felt called upon to continue an interference by irritating legislation that has delayed the adjustment of the new relations on a permanent and peaceful basis, by the same influences which under the guidance of a sound statesmanship have exercised a potent charm in quieting and pacifying all other classes. To have avoided friction in face of this outside interference would have gone counter to all experience and contrary to human nature itself. Yet the people of Texas have given them on every hand substantial tokens of sympathy, coupled with a sincere desire to aid them in their efforts to improve their condition in every particular. In the last ten years the state has paid nearly \$4,500,000 to support public schools to educate their children, and is expending in the payment of colored teachers, in caring for colored lunatics, and in support of colored normals, deaf and dumb and blind asylums, about \$665,000 yearly.

INSTITUTE FOR THE BLIND.

The affairs of this well managed institution are in splendid condition, and its facilities for future usefulness have been increased by appropriations made by your predecessors in accordance with the request of the superintendent and trustees. The enrollment and attendance for the scholastic year which began September 1, 1889, and ended August 31, 1890, was 144. The health of the pupils was generally good. In the early part of the session, however, there was one death. The amount expended for support was \$35,559.58, and for improvements to buildings, electric plant and other necessary expenses, amounted to \$5,829.03, making the total annual expenditure \$41,388.61. At no period in its history has there been more substantial progress made than during the last few years. Under the excellent management of Dr. Rainey, with his large experience, clear perception of the character and wants of those committed to his care, and his earnest efforts to produce the best results, assisted by a

corps of faithful teachers, the affairs of this institution have given me much satisfaction, and good reason to believe that it will continue to be the means of great usefulness, and meet the expectations of an exacting public scrutiny. For further details bearing upon the general conduct of the institution, and for the suggestions relating to its wants you are referred to the reports of the superintendent and officers.

DEAF AND DUMB INSTITUTE.

I invite your attention to the reports of Superintendent Kendall and managers of this school, which include such general statistics and information as will furnish a definite exhibit of the affairs of the institute, and enable comparison to be made with others of like character, as well as its own condition of previous years. Its history under the present management has been that of uninterrupted prosperity, and the highly satisfactory condition in which you will find it reflects credit upon all concerned. It shows an enrollment of 214, with an attendance of 177, which leaves but little unoccupied room. These pupils come to the school with little or no knowledge of the branches taught, but the corps of faithful teachers, by means of elementary instruction, soon discipline their minds and inculcate an aspiration for all that is good, noble and divine. The proficiency attained will compare favorably with any of the public or private schools. Specimens of their excellence in art, exhibited at the Dallas fair, were a source of general commendation from visitors. The zealous superintendent has made constant study of the methods of instruction in general use, and during vacation attended a convention composed of the leading instructors of the deaf and dumb of the various institutions in the United States, assembled for an interchange of views. He has greatly enlarged the accommodation and beautified the grounds. At the same time, its finances have been carefully guarded and judiciously expended, and while the exigencies of the situation demanded a considerable expenditure for the improvement of its sanitary conditions, the limits of appropriations have not been exceeded. The fostering care of the state and its present efficient management have made it a model of its kind among the institutions of the country.

DEAF AND DUMB AND BLIND INSTITUTE FOR COLORED CHILDREN.

Since the opening of this institution in October, 1887, the entire enrollment of pupils was forty four deaf mutes, and thirty-three blind pupils, making a total of seventy-seven, with an attendance of

sixty at this time. The health and progress of the school is excellent. The boys, in addition to the mental instruction received, are taught shoemaking, and such other labor as is usual about the small farm connected with the institution, while the girls are instructed in housekeeping, dressmaking and other needle work. The detailed statement of its fiscal affairs presents a creditable showing:

Appropriation for two years.....	\$33,000 00
Total disbursements.....	24,552 48

Balance.....	\$ 8,447 52
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The water supply was wholly inadequate and the trustees determined to sink an artesian well, and it is believed an ample supply will be obtained. I refer you to Superintendent Holland's report for its further need. Humanity is never greater than when giving eyes to the blind, ears to the deaf, voice to the speechless and generous guardianship to the helpless and insane. Superintendent Holland and assistants have done their duties well and with singular devotion.

ORPHAN ASYLUM.

This institution has assumed a prominent position among the charities of the state, and has the highest claims to the liberality and bounty of the government. Every facility consistent with public interests and needful for the prosecution of its benign work should be cheerfully afforded. Colonel Gaither, its superintendent, presents a full and satisfactory exhibit of its condition and operations for the past two years, showing that it has furnished a home for fifty-four inmates.

Appropriations for two years.....	\$35 150 00
Available fund.....	3,139 00

Total appropriations.....	\$38,289 00
Total expenditures.....	20,843 58

Unexpended balance.....	\$17,445 42
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The farm operations as a result of the labor of the children shows a balance of \$2000 in favor of the management.

The high character of this admirably conducted charity deserves and will doubtless meet at your hands liberal legislation and an ample support for all its requirements.

REFORMATORY.

I desire to express my appreciation of the signal ability and faithfulness with which the superintendent and his associates have discharged their duties, and the success attending their labors. The institution has been so conducted in its every detail as to reflect credit on its management. The discipline has been maintained upon correct and elevating principles, and the industries so conducted that the 111 inmates have paid for all their supplies,

clothing and other incidental expenses, not only saving the state the cost of their support, but keeping them employed at such work as they were capable of performing, leading them to see that one of the first principles of reformation from an idle or criminal life is diligence in some useful trade or calling. For a more particular account of the appropriations, the value of the property and transactions of the farm, reference is made to the report. We can point to no better illustration of the humane solicitude of the state in its parental relations to its citizens than is here afforded, and there can be no exaggeration of its importance. The great point of all in the problem of moral guardianship is to prevent the first wrong step in the child. If the young can be saved from becoming criminals, as they should be, prison reform problems will be easily solved. The question, therefore, how best to stay the ever increasing accessions to the number of dependents and juvenile delinquents is one of the most important questions which can occupy the attention of the legislature. Lawless disobedience must be met by enforced restraint; habits of vice must be counteracted by compulsory means, and idleness overcome by active employment, and it is for the law-making power to apply the best system in giving effect to these disciplinary measures. The claims of this institution to your favorable consideration are based upon practical philanthropy and the wisest economy of statesmanship. It is not contended nor expected that all will be reclaimed by this process, but by the subordination of their wills to the details of sound discipline, and accustoming them to the regularity of well ordered lives, will serve in a great measure to establish in them correct principles and habits of industry, and as crime is to a great extent a disease affected by the law of heredity and environment it seems to me that the obligation resting upon the state to shield the youth from these demoralizing agencies, and to apply reformatory methods in strengthening what of moral health there may remain in them, before crime has become a second nature and conscience has suspended its functions, is fully as imperative as for it to make far more liberal appropriations to enable the health department to combat the approaches of infectious or contagious diseases in physical nature, and I respectfully urge upon your attention the fact that the need for a reformatory for girls is far more important. In every city in the state are found girls varying in age from ten to sixteen years entering upon a life of crime, or in preparation for it, and are

doing much to corrupt the morals of the youth with whom they come in contact. This social evil is attracting municipal attention all over the state, and houses of prostitution are continually being invaded by the officers of justice, the poor, forsaken inmates arrested and subjected to heavy fines, and in many cases imprisonment is resorted to, and yet, the local magistrates are perfectly powerless to relieve society of this class of evil doers, and it would seem that they and the communities they represent are entitled to assistance in the work, at least, so far as is possible by a barricade of the avenues from which these houses are supplied with inmates. I concur in the recommendation of the trustees, that provision should be made by your honorable body for some remunerative mechanical industry to supply appropriate indoor work, and thus render the reformatory more independent of farm labor, which can only be carried on at certain season in fair weather. The offenses which bring these young delinquents within the precincts of a reformatory are reckoned as minor in the scale of crimes against the moral order of society, and in a number of instances to avoid being sent to the penitentiary, they have successfully practiced deception upon the courts with reference to their age, and as they are generally incorrigible and utterly out of place in a reformatory, exerting on the younger ones a disastrous influence, while they themselves receive no good, I submit that power should be lodged somewhere to transfer these subjects to the penitentiary where they belong. While the institution is certainly reformatory in its work and character, I suggest that its present designation is inappropriate. The word reform when applied to penal institutions, carries with it a stigma that reaches into the future to confront the youth, when possibly he is using every endeavor to lead an honest life. It weakens his ties of common sympathy in the public and creates in the inmates, a feeling that they are pariahs and outcasts. I therefore recommend the advisability of changing the name to the "State Industrial School for Boys."

PENITENTIARIES.

The reports of the superintendent and financial agent of the penitentiary bring to your attention many subjects necessarily belonging to your official inquiry, as they relate to prison systems and methods in the treatment of the State convicts. The tables present a summary of all the statistical facts required for an understanding of the business, and the financial exhibit is most gratifying, showing as the results

of the present policy a net profit to the penitentiary system for the two years just ended of \$177,066 53. I especially commend to your consideration that portion of the report which relates to the subject of prison industries and the proper employment of the convicts. My own opinion is that when the legislature defines by law what shall be considered as crimes, and the penalties to be imposed, and that law is broken and the majesty of the State violated, it alone should take entire charge of the convict, as the only power entitled to exercise control or responsibility over him, and under no circumstances should this authority be delegated to any one save the legalized officers of the State; and those who forfeit their liberty by reason of crime should be put to some remunerative employment least competitive with free labor. It would be disastrous to the prisoners as well as the State to undertake to maintain them in idleness. Those industries should be fostered which will yield products that have a pecuniary value and which will in some way benefit the public, and partially at least compensate for the expenses resulting from crime; for when the convict is not self supporting, just to that extent he infringes the right of honest people, who must be taxed to support him, and therefore taxpayers can not long be held in sympathy with large expenditures of public moneys in the interest of visionary or fanciful theories that cannot be depended upon for lasting results. No prison management will meet with the approval of the people or long sustain itself which does not secure the return of a fair percentage of the expenses for the care of prisoners. There are many worthy men who believe that convict labor should be condemned when the products of this labor are brought into competition with honest toil to any considerable extent. If the prisoners are kept in idleness they must be supported by the people. If they are put to work they must produce something, and there is no way for the State to secure their care and support but to dispose of the product of this prison labor in the open market just the same as other people who do a manufacturing business.

By reference to statistics based on the census of 1880, showing the mechanical and other manufacturing industries pursued in the prisons in United States, it will be perceived that the percentage of convicts confined terson, Wattinger & Co., for \$146,000 for the administrative, and two ward buildings. Work was begun on the 15th of last May, under contract to complete the buildings by the 1st of December, 1891. The administrative building is

in the United States who are employed in mechanical labor, to the citizens employed at corresponding industries, is estimated at 1.6 per cent, and the daily average production of convicts at any mechanical employment does not exceed 8 10 of one per cent of that of free labor, from which it would seem that the general effect of prison labor upon honest toil is hardly appreciable. It has been the policy of the present administration to foster and encourage the industries already established so as to make our present institutions self sustaining, and gradually, without imposing too heavy burdens upon the people, add such other industries as will best subserve the interests of the general public, and to utilize the large number of short term and unskilled convicts upon farms owned or operated by the State as a part of the penal system. The majority of this class are peculiarly adapted to this kind of work and unfit for almost any other purpose as convicts, and their labor cannot be said to conflict with honest labor for the growth of agricultural products does not affect prices injuriously. The wisdom of this policy has been thoroughly vindicated from a financial standpoint, and believing that no just grounds exist for unfavorable criticism on any account, I recommend its continuance, until all convicts are brought under State control in the walls and upon State farms.

You will doubtless be called upon to consider the practicability of establishing in one of the penitentiaries a manufactory for making cotton bagging, and the Superintendent has collected some facts and estimates for your information. The annual cost to the growers of cotton for bagging used in baling the crop of the State may be stated at one million and a half dollars, which they now pay for a foreign product, and there could be urged no objection to any practical measure for promoting home manufacture and increasing the use and consumption of the staple crop by the probable annual requirement of 25,000 bales for making bagging and by the consequent retention at home and disbursement among our own people of this sum, now annually sent abroad in payment for jute. During the existence of the bagging trust of 1888-89, a considerable quantity of cotton bagging was made and used, but it is claimed that its qualities and merits as fabric for baling cotton did not stand the test and the Southern mills have abandoned its manufacture. It is needless to suggest that the legislature institute inquiry in regard to the alleged objections to its use by

the commercial interests before committing the State to its manufacture.

INSANE ASYLUMS.

There is no form of infirmity which appeals more touchingly to the better instincts of our nature than the bereavement of reason, and the obligations which rest upon us as a people to care for the classes herein alluded to should be fully and promptly met. The report of the trustees at Austin and Terrell, embodying those of the superintendents, present a full and satisfactory exhibit of their operations for the past two years, and I regard it but simple justice to say that they have been maintained at a high degree of excellence. They are kept scrupulously clean, and under skillful medical treatment and careful nursing their health and mortuary record, as well as percentage of cures can hardly be excelled. Their finances have been expended under the strictest rules of economy consistent with the best interests of the institutions. That at Austin has been compelled to report a deficit on account of increased attendance, and necessity for a better water supply, which it now has in a splendid artesian well. While this deficiency has been exceedingly regretted, I believe the management that seeks to reduce disbursements of an institution of this character at the expense of the comfort and well being of the inmates for the purpose of merely making a showing of economy, is entitled to no merit and should not be insisted upon by an intelligent legislature. In this connection I call your attention to a serious condition of affairs at the Terrell asylum. The legislature appropriated \$150,000 00 for buildings to accommodate four hundred additional patients, and the buildings were received by the State on May 28, 1890, but it has been found that the water supply was wholly inadequate for the increased demand of the institution, and the capacity of the buildings could not be utilized. The management had contracted for an artesian well, which has after months of delay, reached a depth of — feet, with no intrinsic results, and you are confronted with a serious problem upon the proper solution of which the very existence of that institution is dependent. In consideration of the increasing demands made by the unfortunate necessities of the insane of our State, and prompted by a desire to suggest every possible mode of relief, I call your attention to the fact that Wisconsin has a system peculiar to itself for the maintenance and cure of its insane, in addition to the two asylums exclusively governed and maintained by the State for the reception and treatment of all recent and hopeful cases, with a capacity for thirteen hundred and seventy

patients, there are eighteen county asylums for the care of chronic or incurable insane, with combined capacity for fifteen hundred and five inmates, managed and supported by the counties, and yet they receive assistance from the State at the rate of \$1.50 per week for each inmate, and I am informed by those high in authority that these asylums are furnishing that State a practical solution of the vexed question of how to provide for the accumulating chronic insane in a way economical and humane. Their per capita cost is shown to be less than half that of the State institutions and there is no complaint of neglect or bad treatment. Whether this system, either by counties or districts, is deemed worthy of adoption or not, it seems to me, though not an expert in this line of thought, to be a matter of supreme importance in the treatment of these unfortunate ones, that those but slightly deranged should be kept entirely apart from the hopelessly insane. When it is considered that all classes of mental malady, the epileptic, the idiotic, and the maniac, are gathered under the same roof within sight and hearing of each other, it must be to the partially diseased and curable mind, a place greatly to be dreaded. Believing that under such circumstances we can hope for less favorable results than might otherwise be obtained I recommend that the buildings being erected at San Antonio, or such others as you may provide on State account, be set apart for the exclusive benefit of this class of cases, in order that they may have proper treatment in the incipency of the disease. Delay in such cases is both inhuman and expensive, and recovery becomes more doubtful and prolonged.

SOUTHWEST TEXAS INSANE ASYLUM.

At its last session the Twenty first legislature provided for the erection of this institution, and, agreeably to the provisions of the law relating to the same, I appointed three discreet business men of high character and fine practical intelligence, to decide upon a location. In executing this trust they accepted a donation of 640 acres of land from the city of San Antonio as a proper site. No more beautiful or desirable spot could have been chosen for an asylum of this character. Directly on the Aransas Pass railroad and the San Antonio river, within three miles of the city, high in elevation, commanding a full view of the adjacent heights with their attractive scenery, the location possesses in itself all the requirements that could possibly be desired in an institution designed for the comfort, care and cure of the unfortunate insane.

During the month of February last competitive plans were received, in response to a request from the board, for the proposed new asylum, for which the legislature had appropriated \$150,000. The plans received being too indefinite and not satisfactory, were rejected, and Messrs. Larmour & Watson of Austin, Tex., architects, were employed to prepare plans and specifications. The contract for the work on the same was let to Watson to be four stories high, with tower in front and forty seven offices, reception, dining and bed rooms; and two ward buildings, one at each end, connected by means of corridor, with capacity for one hundred patients each; the buildings to be three stories high, making the entire building four hundred and eighty-five feet frontage, by one hundred and fourteen feet deep through center; to be built of brick with stone trimmings, slate roof, and ready for all the interior modern appliances. The buildings at this date are about finished to height of second story. There will be required an additional appropriation for the boiler house, kitchen, and laundry, heating, water supply, and drainage, which should be of sufficient capacity for the requirements of four additional ward buildings which can be added at any time in harmony with the plant, making a capacity for six hundred patients, all of which have been provided for in the administrative and central building.

TRUSTEES AND MANAGERS OF THE STATE INSTITUTIONS.

All these institutions have been kept under the eyes of faithful boards of trustees, whose knowledge in most cases, acquired by long care, has made them intelligently acquainted with everything pertaining thereto, and by their sympathy, practical suggestions and warm co-operation, they have been a material help, as well as a source of encouragement and reliance to the superintendents and officers in their efforts to discharge their duties to the inmates and the State. These gentlemen, though men of active business life, have made sacrifice of their time, and given their services without the thought of compensation other than the gratification they receive in serving the interests of these institutions, for which their energies have accomplished such great results.

THE DEPARTMENT OF INSURANCE, STATISTICS AND HISTORY

has in the scope of its work many of the most valuable material interests of the State. Within the restricted limits of a message it is impossible to give a detailed statement, but only an epitome, of the work of this department, and refer you

for full information to the biennial report of the commissioner, who has most efficiently and faithfully discharged his duties, as the following statement will attest: In the insurance branch of the office twenty two insurance companies transacting business without authority of law, and in most cases without capital stock or assets upon which to operate, and therefore wholly irresponsible, have been driven from the State and the people protected against loss by purchasing worthless insurance. They collected about \$200,000 annually from the citizens and gave no benefit. On the contrary, it is a matter of fact that the loss by fire has materially decreased since they ceased to operate, and indemnity can now only be obtained in responsible companies that carry proper risks. These companies, having ample capital, have increased from seventy three on December 31, 1886, to one hundred and twelve on December 31, 1890—giving better security and increasing the revenues of the government by about \$8,000 in the receipts of the office. Two new fire insurance companies, with \$100,000 capital each, have been organized, making a total of three home companies organized under the laws of this State. An act of the twentieth legislature created a bureau of agriculture and added it to the department of insurance, statistics and history. This act charged the commissioner with the additional duty of "arranging and adopting some plan" for collecting, publishing and distributing agricultural and farm statistics for the information of the public, and despite the almost insuperable difficulties this branch of the work met with such general favor, especially with the agriculturists, that the Twenty-first legislature amended the former act, eliminating many defective features and providing for an issuance of an increased number of subsequent reports, and the last one now submitted will furnish reliable and definite information of the total annual productions of the various crops of the State and the income derived therefrom; the production and value per acre of the crops grown and which are the most valuable; the annual outlay by farmers for bacon, lard, syrup and other products of the farm which may be successfully grown at home; the financial condition of the farming classes as evidenced by crop mortgages and mortgages on realty. In addition to the special information relating to agriculture, the reports contain a vast deal of miscellaneous information in regard to the soil, climate, and resources of the State, presenting its superior advantages to those seeking homes or profitable investments. In this connection is presented

the report of Prof. Dumble, the State geologist, on "The Agricultural and Economic Geology of the State." The public long felt the need of more reliable and practical information relative to the soils of our State and the formation underlying them and their adaptation to crops. Nothing in my judgment has contributed more effectually in bringing into notice the resources of our State than the work of Prof. Dumble and his assistants, and adequate appropriations should be made to meet the necessary expenses in continuing this work on a more extensive scale.

STATE HEALTH DEPARTMENT.

The report of the State health officer gives fully and intelligently the workings of the department. Noted and valuable changes have been made in the service, and while the unexpected increase in small-pox along our border and frequent appearance in the interior, causing a great increase in the expenditures to perform what was demanded by the people for their protection from its ravages, has caused a large deficiency in the current appropriations, it is believed that the State has been fully compensated in the safety afforded the lives of its people and the comparative freedom of its commerce from interruption. Besides this, an itemized summary shows nearly \$120,000 of property on hand. To Dr. Rutherford is primarily due the credit of originating and establishing the quarantine system which has proven the best practical method of guarding against and preventing the introduction of infectious disease in our State. He has demonstrated that it is practicable to keep out yellow fever by a rigid yet enlightened system of quarantine, coupled with an effective maritime sanitation, by appliances capable of receiving in a superheating apparatus and thoroughly purifying all the textile fabrics from the largest ships that enter our ports, and at the same time safely diminishing the period of detention, thus saving to the people of Galveston and other ports and the commerce of the State many thousand dollars. He has successfully banished from the minds of the people abroad the damaging reputation our State had for its annual liabilities of epidemic diseases. It is needless to allude to these changes effected in the popular mind throughout the world, and to the material benefits which have resulted. The people of the State know how to estimate the value of this assurance against the importation of pestilence from abroad, with the least possible annoyance to their domestic commerce. With the active co-operation of the local municipal authorities and by the employment of all the essential sanitary meas-

ures, he has prevented the spread of small pox, by its destruction upon the first manifestation, which certainly entitles him and his co-laborers to the thanks of the people. In this connection I desire to invite your attention to the fact that our State for thousands of miles is separated from Mexico by the Rio Grande river, which presents no obstruction to a free intercourse between the citizens of the two countries. On the Mexican side for the entire length reside, as a general rule, a very poor class of people, who entertain no fears of small pox, and exercise no precautionary measures against its spread or for its suppression. Consequently it is utterly impossible to so guard our sparsely settled border for this great distance as to prevent the people from infected districts in Mexico with polluted clothing filled with poisonous effluvia of small pox, freely intermingling with the citizens of Texas, which compels the State to stand in a constant posture of defense against the invasion of a disease more dreaded by them than the incursion of an armed force. During the present year many valuable lives have been sacrificed; destruction and demoralization have affected the trade and commerce of some of our most important business centers, and your honorable body will be called upon to expend large sums of public money to meet the expenses incurred by these localities and the State quarantine service in isolating and suppressing this plague. The constant intercourse and rapid transit by railway between Mexico and all parts of the United States does not confine the danger to Texas alone and in view of these facts I respectfully suggest that you memorialize the President of the United States to the end that necessary steps may be taken to induce the Mexican authorities to destroy the disease within its borders, and prevent its importation to Texas and other States. I further recommend that you thoroughly revise the present quarantine laws and more clearly define the powers and duties of the State health officer to prevent conflicts with municipal authorities on questions of jurisdiction.

SECRETARY OF STATE.

The tables incorporated in the report relating to the State department, contain much valuable information, and will well repay you for a careful examination in connection with the recommendations upon important subjects of public interest. The business of this important branch of the executive department has been conducted with great success. It shows that for the fiscal year, ending in 1890, the revenues of this office amounted

to \$84,134 56, more than twice the amount ever received in any year of the previous history of the department. Since the date of the last report, December 27, 1888, to November 1, 1889, the date of this report, the revenues have amounted to \$133,326.46, far in excess of any similar period. From foreign corporations alone the fees have amounted to \$41,870.00 from July 6, 1889, to November 1, 1890, an amount in excess of the revenues from all sources for any fiscal year in the entire previous history of the department.

ADJUTANT GENERAL'S DEPARTMENT. State Guard—

This body of disciplined citizen soldiers is an indispensable adjunct to the State government. The necessity for such a force is no longer an open question. They are all volunteers, serving alone from motives of patriotism and State pride, without pay, and furnishing themselves with uniforms. They are thoroughly armed and equipped and could be put in active service on a few hours notice. With this force in the field the State would have little to fear from any character of lawless band or from any character of foreign invasion. It is with profound gratification I am able to report that whenever I have had occasion to call upon them they have responded with cheerful alacrity, regardless of the exigency or personal sacrifice. I greatly mistake the people of Texas, whose lives and property are made more secure by them, if the dictates of gratitude, prudence and economy do not demand that the efficiency of this organization should be promoted by liberal appropriations to meet necessary expenditures, and a considerable attention to all propositions looking to improved methods of organization and discipline.

During the present year they were brought together in an encampment for drill, and a finer body of men were never assembled. Their conduct and bearing was admirable and commanded the approbation of the officer of the regular army who participated in the military exercises and instructed them in their duties. I may say, in brief, that the organization consists of 2,610 officers and men, soon to be increased to 2,890. In this connection I desire to make honorable mention of the efficient service rendered the public by the State ranger force. The record of the achievements of this small body of thirty two men, as given in detail by the adjutant general, shows the great number of arrests, the assistance rendered the civil authorities, the stolen stock recovered and returned to the owners and their frequent encounters with desperate criminals, in which two of their number were killed and one wounded. They have been the State's

puissant right arm in the suppression of lawlessness along the exposed borders. The following exhibit presents the expenditures for this service:

Militia appropriation for two years.....	\$20,000 00
Expenses for 1888.....	\$1,786 60
Expenses for 1890.....	7,590 67
	<hr/>
	\$9,377 17
Leaving unexpended.....	\$10,622 83
Appropriation for militia inspection, two years.....	\$600 00
Amount expended for same.....	490 00
	<hr/>
Balance unexpended	110 00
Total unexpended.....	\$10,732 83
Appropriation for Rangers, two years.....	\$60,000 00
Expended to August 31, 1890.....	44,285 01
	<hr/>
Unexpended balance.....	\$15,714 99

CAPITOL BUILDING AND GROUNDS.

The building and grounds have received faithful attention from Gen Hardeman and his assistants, and the immense building and spacious grounds, visited daily by great numbers of people from all parts of the country, have necessitated vigilant supervision to keep them in proper repair, as an object of ornamentation and credit to the State. The superintendent in his report, to which your attention is invited, has detailed with great care and accuracy the disposition of all public funds placed at his disposal, and makes appropriate suggestions for all needful aid. In this connection it becomes my duty to inform you that the Twenty-first legislature made an appropriation for fencing and improving the grounds, to purchase fixtures and supply the building with lights by contract or purchase, to include the wiring of the Capitol to be let to the lowest responsible bidder or bidders, and for that purpose created a board, composed of the Governor, Attorney-General and Superintendent of public buildings and grounds. The appropriation by its terms contemplated the following improvements fencing and improving capitol grounds, wiring the building, purchase of fixtures and supplying the building with lights. The sum appropriated for these several purposes was \$35,000, for which we have a neat and substantial fence set upon granite coping. Electric lights, embracing the wiring of the building, engine, boiler, dynamo, and fixture complete for 1300 sixteen-candle power lamps, which have been in operation nearly a year and given satisfaction. After providing for these, the next most important work in the way of improvement was to secure an adequate supply of water for heating the building, running the dynamos and elevator, and for the protection of the trees, shrubbery and grass on the

Grounds. The board were of one mind as to the feasibility of artesian water, and after inviting bids and finding them altogether unreasonable, they concluded, as a matter of economy, to purchase a complete well boring outfit and have the work done under their immediate supervision, and the result proved the wisdom of the plan. They obtained two wells—one at 1050 feet and the other at 1560 feet—which furnish sufficient water for all present requirements at a saving of \$1080 paid the Austin Water company for the building alone, and for other purposes aggregating an annual saving of \$2,080, which would, in about two and one-half years, pay the net cost of the wells. After completing the work the State had on hand machinery, tools and fixtures amounting to \$4,722.76, which was subsequently used in providing ample water supply for the insane asylum and the colored deaf and blind institute, and it is still in excellent repair. For these improvements there was used:

Appropriation, Twenty-first legislature.....	\$35,000 00
Appropriation for water pipe and protecting grounds.....	6,869 07
Appropriation for fuel and lights.....	1,125 44

Total expenditure.....\$42,994 51

The report of the board herewith appended will present for your consideration an itemized statement more in detail.

THE ATTORNEY GENERAL.

The report of the attorney general will show the condition of the public litigation entrusted by existing laws to his direction, with recommendations relating to the needs of the office and the improvement of the public service. The business of this important office has been conducted with a vigor and fearlessness that has commanded the unqualified approval of the people.

REWARDS AND ENFORCEMENT OF THE LAW.

The amount appropriated by the twenty-first legislature for payment of rewards and other contingent expenses necessary in the enforcement of the law was \$10,000 each year. With this I have met the obligations of the State for rewards offered for fugitives from justice and the expenses of agents of the State to bring them back under requisition where no rewards were offered, and out of this fund paid the attorneys in the Greer county case \$1,500, and expended incidentally in the same cause about \$600, and there is an unexpended balance of \$2,667 in the treasury.

PUBLIC LANDS.

The question of the proper disposition and management of the public lands of the State was for years a fruitful theme for discussion, and the laws enacted were of little practical utility until this question

demanding and received at the hands of the twentieth legislature thorough consideration with reference to all interests involved, and its settlement of the points at issue has resulted in great good to the public and the school fund, and the report of Hon. R. M. Hall, the commissioner of the general land office, contains such facts, statements and explanations as will disclose the active workings of the law, and such suggestions and recommendations in respect thereto as have seemed to him appropriate, and needs only careful inspection to convince the intelligent and unprejudiced mind of the value of what has been accomplished through his department. While the present law may require amendments, of the propriety of which you can best judge, as the immediate representatives of your respective constituencies, it is respectfully suggested that in any changes you may deem proper to make, care should be taken not to modify, seriously, the principal features which have shown such satisfactory results, and all proposed amendments should be scrutinized with great caution and matured as well with reference to future conditions as to present exigencies.

MONUMENT TO THE MEMORY OF THE HEROES OF THE ALAMO.

In compliance with an act of the Twenty-first Legislature, appropriating \$15,000 for the erection of a monument "To the Memory of the Heroes of the Alamo," and providing for a Board to adopt a design and contract for, and supervise its erection, I appointed for this work Colonel Stephen H. Darden and M. Swisher, of Austin, and Colonel H. B. Andrews, of San Antonio, all old Texans, and men of the highest intelligence and character. The board was organized by the election of Colonel Darden, as President, and designs with plans and specifications were asked for, and to stimulate rivalry, a prize of \$400 was offered for the one that should be adopted. Architects and monumental designers and builders from the States of New York, Illinois, Iowa, Michigan, Ohio, Kentucky and Texas responded in competition. After mature deliberation, the plan submitted by James S. Clark & Co., of Louisville, Kentucky, was awarded the prize and chosen as the design, and a contract was entered into with them for \$14,500.00. The material, except the facings of the pediment and the crowning statue of standard bronze, is to be first class Texas granite, all dimension stone, of superior workmanship, with the names of the heroes to be carved in the polished columns supporting the structure. Although the contract was made April 24, 1890, with the expectation that the monu-

ment would be completed during that year, unforeseen and unavoidable delays and interferences have retarded its completion. The work is progressing as rapidly as it is possible to obtain skilled workmen. The three base courses will be put up in January, and the balance soon thereafter. The board have only expended \$421.71, and there remains in the treasury unexpended \$14 578 30. I regretted exceedingly, that this was the only beard for which the law made no provision for compensation, and while they have given their services to the State willingly, with an unselfish devotion, characteristic of their long and useful lives there is no occasion to demand their time this way. I urge you to make provision for their payment, as other similar boards were paid.

LIVE STOCK INTEREST.

The stock interest of Texas is one of the most important interests of the State, and we should, therefore, favor the passage of such laws as will most effectively protect the stock raiser and enable him to reap the benefits of his labor. This is due him from the State. He pays his taxes and helps to support the government; it therefore devolves upon the government to render him secure in the possession and enjoyment of his property against the introduction into the State of animals suffering with contagious and infectious diseases. You should not only enact laws to prevent infected stock from entering the State, but it is incumbent upon our people to destroy diseases within our own borders. Glanders or other contagious or infectious disease among stock is a source of much apprehension to the stockgrowers of the State at this time, especially so as it has been very destructive in some localities. The Live Stock Association of West Texas and the Board of Trade of San Antonio called upon the State for assistance to investigate and arrest the disease and restore confidence to the people of several States furnishing a profitable market for Texas horses. Having no means at my disposal, I requested Dr. D. W. McKillup, veterinary, U. S. army, at San Antonio, with kindly permission of Gen. Stanley, to eradicate the disease as far as possible and to prevent its further spread among the stock of the locality. This duty was promptly and ably performed and the stock association assumed all expenses. At the same time Dr. Falsetter was commissioned by the secretary of the bureau of animal industry at Washington to visit Southwest Texas on the same mission. Some of the States which had quarantined against the importation of Texas horses have, since the re-

ports of these experts, removed all restrictions, but the alarm and temporary disturbance of the profitable business cost our stockraisers the loss of thousands of dollars in a few months. I respectfully urge prompt action in this matter. It seems hardly fair for us to permit neighboring States each year, without just cause, to quarantine Texas stock, and at the same time bring their diseased stock into our borders without hindrance, to die by the car loads after being sold to our people.

PARDONING POWER.

The punishment attached to the violation of human laws is proportioned to the necessity of protecting society from a recurrence and incidentally, perhaps, that the person punished may be reformed. An attempt to measure out retaliation for crimes committed in due proportion to their extent, or administer punishment in the way of vengeance, would not only be futile, but a usurpation of powers belonging only to the All Wise Being. When, therefore, the courts and juries have decided the man guilty of the offense charged, and determined within certain limits the character of the sentence or the duration of imprisonment, I have endeavored to exercise, with discretion, and a proper regard for the public interests, the pardoning power confided to the Executive, taking into consideration the circumstances leading to the conviction, length of sentence, good conduct, with the probabilities of reformation, and the associations awaiting his return. There are many cases, in which through failure to bring proofs of innocence—which were afterwards obtained—or through false testimony afterwards demonstrated, or where sentence was found to be excessive under later developments, and occasionally as a matter of public policy, in recognition of courtesies due other executives, I have felt authorized in exercising the quality of mercy. Erring upon the one side, injustice has been done to the prisoner. Erring upon the other hand, dangerous men have been released upon society. In most of the cases in which clemency has been extended during the last two years the judge, jury and States' attorney before whom the conviction was had, joined in the recommendation, and I believe I am safe in saying, nine out of ten of those pardoned have fully justified the confidence reposed in their reformation. Under the genius and spirit of our laws, where the man comes before the court, he is entitled to the benefit of all reasonable doubts, but the rule is reversed where his case is presented for executive clemency. The presumption obtains that justice has

been meted out by his neighbors in a fair trial. Under these restrictions I fear I have failed to pardon some who are entitled to their liberty. The twenty-first legislature appropriated \$1,500 each year to furnish additional clerical help to the executive in the examination of applications for pardon; but being alone responsible, I felt that I could only determine for myself the correct lines between a proper enforcement of the statutes concerning crime and a humane and reasonable application of the laws of sympathy and charity after making a personal examination, and I have left the \$3,000 for the two years unexpended; and while it greatly increased my labors in examining the cases submitted, I believe no injustice has been done by reason of the delay.

GREER COUNTY.

I regret to be compelled to inform your honorable body that the ownership of Greer County is still unsettled and that the government of the United States still asserts title thereto under the treaty of 1819 between Spain and the United States. When I came into office this controversy between the state and the United States had been pending for many years, notwithstanding repeated attempts on the part of both governments to adjust the same. The joint commission, constituted under the act of congress of Jan. 31, 1885, and the act of our legislature of May 2, 1882, had met, and after months of discussion and deliberation had resolved to disagree and had finally adjourned. The agitation of the question of ownership and the very general interest manifested by the governments in the controversy, together with constantly recurring efforts on the part of interested individuals to invoke the jurisdiction of the courts, state and federal, in both civil and criminal matters, naturally produced a condition of affairs in that county hurtful in the highest degree to its welfare and prosperity, preventing, as it did, the acquisition of titles and inviting disrespect for law and the lawful authorities of the state. Appreciating the urgent necessity for a definite settlement of this disturbing controversy, especially after the arrogant action of the United States land commissioner in seeking to drive the people of Texas from their homes in Greer county by executive order, the Twenty-first legislature passed an act entitled "An act to create a board of arbitration to settle and determine the controversy between the United States and the state of Texas relating to certain territory by them respectively claimed, and to make an appropriation therefor." Approved February 23, 1889. This legislation was suggested by the conditions surrounding the controversy, involving as it did a dispute between two governments, neither of which in the absence of constitutional provision was competent to determine the question for itself without the sanction and consent of the other, at least as to jurisdiction or tribunal for de-

cision. The statute appropriated ten thousand dollars for expenses and compensation of the members of the board of arbitration, but made no provision for fees of counsel. It was assumed and expected by the legislature that this proposition for settlement suggested by Texas would be accepted by the congress of the United States, but on the 2nd day of March, 1890, the congress enacted a provision, inserted in an act providing for the temporary government of the territory of Oklahoma, directing the attorney general of the United States to institute a suit or proceeding in the Supreme Court at Washington against the State of Texas, and thus to determine the ownership of the territory of Greer county between the respective governments. In accordance with this act of congress the attorney general of the United States has filed a bill in equity in the Supreme Court of the United States against the State of Texas, setting up its claim for this territory and praying for a decree from that court establishing its title of ownership. This bill was filed in the early days of October, 1890, and is now pending.

The institution of this suit found our legislature unprepared for such an emergency. The appropriation made by the act of Feb. 23, 1889, was for expenses and compensation of arbitrators alone, and was therefore not available for counsel fees. The right of the state to Greer county was so clear and conclusive, in my judgment, and the danger of prejudice to this right so imminent in the absence of counsel, and the attorney general was so absorbed with other matters of litigation equally important to the state, that I determined to avail myself of the authority conferred upon me by the act of April 4, 1887, in order to properly protect the interest of the state. This act authorizes the governor to order, through the proper officials, the defense of any civil suit whenever he deems such course proper for the defense of any right of the state and to render to such officials such assistance as to him may seem necessary or expedient. Upon the institution of said suit I therefore directed the attorney general to defend the same for the state and retained Hons. A. M. Garland of Washington City and John Hancock and George Clark of Texas as counsel to assist the attorney general in the conduct of said defense. The limited appropriation at my disposal and the indication of the legislature in the act of February 23, 1889, as to the sum deemed necessary for expenses in this matter, limited myself and those gentlemen in our agreement as to their fees.

It was realized and conceded by both parties in the conference upon the subject that the amount proposed by me and accepted by them, viz: \$9000, one half in cash and balance to be paid on submission of the cause, was totally inadequate for the service demanded and the importance of the interest to be protected. I am gratified to state, however, as due to these gentlemen that they were so impressed with the justice of the state's cause, and the public

necessity for its vindication, that the compensation to be paid them was regarded as of minor importance, and would be cheerfully regulated to the wisdom and justice of the legislature to be fixed at such amount as it might deem commensurate with the service. Having on hand, unexpended out of the appropriations for the contingent expenses necessary in the enforcement of the laws, over \$10,000, I caused these gentlemen to be paid \$1500 each as a retainer, and now submit my action to the legislature, coupled with a recommendation that a liberal allowance be appropriated for this important service. Apart from the values involved (1,511,576 acres, which belongs to the school fund and public creditors, the state cannot afford to have her clear rights invaded, or her sovereign ownership set at naught, for the sake of saving a few dollars as counsel fees, or to rely upon the patriotism of her citizens and others to defend her cause without adequate compensation.

CONFEDERATE HOME.

The subject of making suitable provision for the support and maintenance of those who have periled their lives upon call of the state, and who by reason of infirmity are unable to care for themselves, has become a pressing importance, and will doubtless engage your attention during the session. I desire to join in the general demand that some provision be made at once for these worthy and deserving people. They are rapidly passing away. Some of them in destitution, or are cared for by strangers as objects of charity.

They should not be thus classed or be subjected to the disagreeable reflection of being dependent upon any one. In the pride of vigorous manhood, they responded to the calls of their state, and bore their breast to the pitiless storms of the elements and of enemies' bullets, and wounds and exposures in many instances have unfitted them to earn a livelihood. Old age with poverty has overtaken them, and in their extremity the state cannot afford to abandon them or refuse to heed their call for help. The state is now rich and prosperous, and the small pittance required for the discharge of this sacred duty on her part will constitute no burden upon her ample resources. The demand can be only temporary, for in the course of a few years the last old Confederate soldier will have fought his last battle, and taken up his line of march to the silent shores.

I recommend to your honorable body that provision be made by law for the purchase, or lease, by the state, say for thirty years, of a suitable site for a permanent home for old Confederate soldiers who are unable to support themselves, and that adequate appropriations be made for the erection of suitable buildings thereon, and for the support of its inmates each year. I am aware that constitutional difficulties have been suggested, indicating, in the opinion of some, a necessity for an amendment, before such an appropriation can be made; but I submit, with becoming de-

ference to such opinions, that there is no insuperable constitutional difficulty to be encountered as the constitution now stands. The specified objects for which taxes may be levied, or burdens imposed, as set forth in Art. III, Sec. 48, of the constitution, do not occur to me as necessarily excluding all other objects save those enumerated, but are merely illustrative of the general intent of the people as expressed in said section to confine expenditures raised from taxation, or from the imposition of other public burdens closely within the limit of an economical administration of the government. This is manifested by the provisions of section 51 of the same article, and by article 16, section 39, which clearly sanction appropriations for purposes not enumerated in section 48, and by the construction of preceding legislatures in making divers appropriations not authorized by the letter of the section last named. My own opinion is clear that neither the words of the constitution nor its spirit inhibits or was intended to inhibit or restrict the discharge of a sacred debt owed by the state to her old soldiers, or that our people, in the adoption of their constitution were guilty of the folly of authorizing ample provisions to be made for erecting monuments over her dead soldiers, and for purchasing and collecting all accessible data as to their deeds of heroism, while carefully inhibiting any provision for them while alive and in destitution. If, however, you should not concur with my views upon this subject, I suggest that the revenues derived from the state and insurance department, or from the land office, are ample for making full provision for the old Confederates, and that such income to the state ought not to be classed either as taxation or as public burdens. Notwithstanding the splendid provision made by the United States government for the care of its old soldiers, almost every northern state has supplemented these splendid charities by the establishment of state homes in addition. Surely Texas ought to afford one home for her defenders, as the old soldiers of the Confederacy can look nowhere for help save to their state. If this duty is neglected the state's prosperity will only make more glaring her ingratitude.

ELECTION LAWS.

Suffrage is a political means of self-defense, and the elective franchise being a political right when granted by law, the virtue, sanctity and strength of the privilege is destroyed when there is an absence of sufficient legal protection to insure its exercise fairly and justly, and as the government rests upon the will of the people, every means should be provided to accurately and honestly ascertain the evidence of that will. The first step in this direction, it occurs to me, should be to determine by some method who has the right to vote; and then in order that the right may be exercised uninfluenced by intimidation or corruption, every possible safe-guard should be provided against the employment of money or force in controlling elections. Unless these evils are guarded against, the

avenues to promotion in public life will soon be effectively closed to the intelligent and worthy poor, and left open only to those who wrongfully use their wealth to buy position, and to the corrupt who will sell the rights of freeman. To this end I submit that our laws on the subject of bribery should hold the temptor, if not alone, at least more guilty than the man tempted, who yields, possibly, from a necessitous condition.

PUBLIC HIGHWAYS.

The prosperity and future growth of the state depends largely upon the condition of its public roads. It may be safely asserted that the farm property of the state with good roads, passable at all times of the year, would be increased in value fully twenty per cent. In order that they may be kept in such condition as the interests of trade and the traveling public necessarily require, it is now placed within the power of the respective communities, if they so desire, to levy an additional road tax on all property made taxable by the laws of this state, not to exceed fifteen cents on the one hundred dollars worth of property, and as the difficulties in the way relate chiefly to the financial question and that of proper supervision, it is possible to have a more systematic and skillful construction of good roads. The large sums of money being practically wasted under our present system might be of great benefit if the roads were worked under the supervision of competent engineers or those skilled in road making. One of the northern states has under consideration a bill drawn by a commission of intelligent men selected to devise methods for improvement of the roads of that commonwealth, and among the provisions is one to the effect that when one mile of permanently improved road has been built of stone or gravel foundation, with covering approved by the county engineer, the county will be required to build an additional mile of permanent road in the township, and the state another mile. The object of the provision being to encourage and stimulate each township to build a mile or more of permanent road, for each mile so built by the local authorities insures two additional miles of the same quality, built by the county and state respectively. I cannot do better than call your attention to remarks made on the road question in previous messages, and express the hope that your united wisdom may find a solution for this difficult problem.

RAILROAD REGULATION.

The concurrent wisdom of legislation, both state and federal, have given the principles underlying these corporations exhaustive consideration, and all agree in the authoritative judgment that these highways of commerce built under charters conferred by the government, are legally and constitutionally amendable to the law-making power, and in their operation subject to formal legislative action and judicial review, and that they must be made to yield implicit obedience to the law like individuals, receiving its benefits and pro-

tection when in submission to its requirements, and its punishment and penalties when defying its powers. To make certain the welfare of the people these corporations should be restricted to fair and reasonable tariffs, and prevented from unjust discriminations, rebates, or other disingenuous pretenses to favor friends and oppress others. The people should be protected from the evil attacks of combinations and conspiracies designed to stifle that free competition which should exist in every channel of industry in order to promote the common prosperity. The state should enforce laws for the safety of their operatives and the public and provide for the settlement of all controversies between them and their employes in all disputes affecting public interests. They should be required to furnish proper depot accommodations, rolling stock and to keep their track and bridges in a condition of safety, and so regulate the service of trains as to give reasonable facilities to the public and afford an equitable interchange of traffic over their lines. This right of control and regulation being conceded, grave and radical differences of opinion have obtained as to the proper mode of exercising the right, and this question has been submitted to the people and fairly and fully decided at the ballot box. Believing as we do, in that cardinal doctrine of the right of the people to instruct their representatives in administering the government and forming its policies, the demand for a railway commission has become an accomplished fact and the wisdom and propriety of its adoption has passed beyond the pale of profitable discussion. It now devolves upon you to define and limit its functions, the scope of its jurisdiction and the latitude of the inquiry with which it is to be clothed. The details of the requisite enactment to put it in force must necessarily be attended with some difficulty. It is very important when we are about to adopt a new method of conducting public business, that we consider carefully the consequences and the precedents we are making, which in time may come back to plague the inventors. And this precaution is more especially enjoined since, at this particular juncture, there is a general congratulatory sentiment in the state over the fact that it is enjoying a career of progress and prosperity that has in its history few parallels, and under a policy now to be superseded. If a mistake be made upon a question of such gravity and moment, every interest in the state will suffer. While the unsettling of values primarily affects the rich, the poor are no better off for that fact, for capital makes labor and good wages, and general confusion in our state would not concern the capitalists of the country half so much as it would the laborer and the producer. There are other inviting fields for the speculator, and they can transfer their values, but the poor are fixtures, and when capital is driven away wages shrink and there is little work for the willing but unemployed. There are yet

many million acres of unoccupied land within the broad limits of our state awaiting the investment of domestic and foreign capital in railroads in order to make their markets and undeveloped wealth accessible, and convert them into the homes of an industrious and happy people. These investments will not come to a state whose legislation is inimical to its reasonable remuneration upon capital actually invested and where they will not be protected in the enjoyment of the profits realized by capital invested in other ordinary classes of business. The state and many localities have expended lands and large sums of money to induce the construction of roads for the purpose of increasing their population, adding taxable wealth and supplying cheap and rapid transportation to their citizens and tonage, and I do not believe they wish to encourage illiberal or arbitrary legislation. They have an abiding faith that the same wisdom will characterize your honorable body, as in the past, and by your united judgment you will be able to provide a judicious system of control in conformity with the people's wishes, through a board of competent railway commissioners to constitute a tribunal where both the State and the corporations may be heard, and to which the people can make their complaints and have them investigated, and thus expedite and encourage settlements between shippers and railroads without necessarily affecting the right of appeal to higher tribunals by either party, and at the same time frame an uniform and equitable tariff of freight rates under regulations fitted to promote the joint interests of the people and the roads.

And now, in conclusion, permit me to express the hope that your deliberations may be governed by a spirit of conciliation and harmony, and that your arduous and responsible duties may be rewarded with the plaudits of grateful constituencies.

S. L. Ross, Governor.

Senator Pope offered a resolution to have 5,000 copies of the Governor's message printed in English, 2000 in German, 1,000 in Spanish and 1,000 in Bohemian.

Senator Seale moved to amend by substituting 3,000 for 5,000 in English.

Senator Pope accepted the amendment and the resolution was adopted.

Senator Johnson reported the name of H. H. Childers as clerk to the committee on Internal improvements.

Senator Atlee offered the following resolution:

Resolved, That the president of the senate do appoint one additional porter to

serve during the session of the legislature, to receive the pay heretofore fixed.

Which was adopted.

Senator Potter offered the following resolution:

Resolved that the Committee on Rules be requested to report a rule providing for a committee on apportionment to redistrict and apportion the state under the census of 1890.

Adopted.

On motion of Senator Page the senate adjourned till to-morrow at 10 o'clock.

FOURTH DAY.

SENATE CHAMBER.

AUSTIN, Texas, Jan. 16, 1891. }

Senate met pursuant to adjournment.

President Pro Tem Burges in the chair.

Prayer by the chaplain, Dr. Smoot.

Quorum present.

On motion the further reading of the Journal was suspended.

Senator Page called attention to the fact that Senator Carter, a new member, was present and had not been sworn.

Senator Carter appeared before the president's desk and took the oath.

On motion of Senator Clemens, Senator Mott was excused indefinitely on account of sickness.

On motion of Senator Glasscock, Senator Weisiger was excused for yesterday and to-day.

The following appointments were announced:

M. B. Irwin, porter.

Ben. A. Pope, clerk Judiciary Committee No. 1.

PETITIONS AND MEMORIALS.

By Senator Page:

Petition of James W. Batchelor, of Louisville, Kentucky, to the Texas Legislature for a land bounty for services in the Texas revolution.

Referred to Committee on Private Land Claims.

BILLS AND RESOLUTIONS.

By Senator Page:

A bill to be entitled "An act to amend article Nos. 735 and 736 of the penal code of the state of Texas."

Referred to Judiciary Committee No. 2.

By Senator Page:

A bill to be entitled "An act to amend article 2840, chapter 1, title 50, of the revised civil statutes of the state of Texas, so as to transfer authority for issuing